

MINUTES OF THE CITY COUNCIL
OF THE CITY OF PULLMAN
FEBRUARY 28, 2017

Roll Call

A regular meeting of the City Council of the City of Pullman was held on February 28, 2017, at 7:00 p.m. in Council Chambers, City Hall, Pullman, Washington with the following present:

Glenn A. Johnson	Mayor
Leann L. Hubbard	Finance Director
Jeff Hawbaker	Councilmember
Eileen Macoll	Councilmember
Ann Parks	Councilmember
Al Sorensen	Councilmember
Nathan Weller	Councilmember
Pat Wright	Councilmember

Call to Order

Mayor Johnson called the regular meeting to order at 7:00 p.m. Councilmember Wright moved, councilmember Weller seconded to excuse Councilmember Hughes. The motion carried unanimously.

Motion Carried.

Announcements

Mayor Johnson made four announcements.

Presentation

**American Legion
Law Enforcement
Award**

Mayor Johnson introduced Post Commander Ted Weatherly. Ted Weatherly presented the Law Enforcement Officer of the Year Award to Pullman Police Officer Alex Gordon.

ORDER OF BUSINESS

Approval of Recommendations of Consent Agenda Items

CONSENT AGENDA

Mayor Johnson reviewed the items on the Consent Agenda with the Council and audience. He stated that items listed on the Consent Agenda are considered to be routine in nature and will be enacted by a single motion of the Council without separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda by Council request. Councilmember Wright moved, Councilmember Hawbaker seconded to read the Consent Agenda by title only.

Motion Carried.

City Attorney McAloon read the items on the Consent Agenda by title only. Mayor Johnson asked if there were any requests for removal of items from the Council. There were none. Councilmember Wright moved, Councilmember Weller seconded to adopt the Consent Agenda as presented.

Motion Carried.

Motions

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| Minutes -
January 31, 2017 | 1. | The Council dispensed with the reading of the minutes of the regular meeting of January 31, 2017, and approved them as submitted. |
| Minutes -
February 7, 2017 | 2. | The Council dispensed with the reading of the minutes of the regular meeting of February 7, 2017, and approved them as submitted. |
| Accounts Pay-
able, Payroll
and Electronic
Transfers -
February 3,
2017 to
February 21, 2017 | 3. | The Council approved disbursements represented by
accounts payable checks numbered
86318 through 86500 totaling
\$4,117,787.77 inclusive, payroll checks numbered
70887 through 71019 totaling
\$136,471.98, and electronic transfers totaling
\$1,109,504.80. |
| Retail
Sales Tax | 4. | The Council approved to transfer \$203,577 of retail sales tax revenue to the Restricted CIP Reserve Fund. |
| Accelerated
Streets
Resurfacing 2016
Project, Contract
No. 16-05, as
complete | 5. | The Council accepted the Accelerated Streets Resurfacing 2016 Project, Contract No. 16-05, as complete. |
| WWTP Air Gap
Pump Station
Project, Contract
No. 16-07 | 6. | The Council accepted the WWTP Air Gap Pump Station project, Contract No. 16-07. |

Resolutions

- | | | |
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| Resolution
No. R-10-17 -
Arterial Streets
Resurfacing 2017 | 7. | Resolution No. R-10-17
A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE AN UPDATED PROJECT PROSPECTUS FOR THE ARTERIAL STREETS RESURFACING 2017 PROJECT. |
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Resolution No. R-10-17 was adopted unanimously.

Resolution 8.
No. R-11-17 - Set
Date for Public
Hearing on
Vacation

Resolution No. R-11-17

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING
ON THE VACATION OF A PORTION OF NE VALLEY ROAD
RIGHT-OF-WAY LOCATED ON LOT 8 IN MCGEE'S
SUBDIVISION.

Resolution No. R-11-17 was adopted unanimously.

Resolution 9.
No. R-12-17 - Set
Date for Public
Hearing on
Vacation

Resolution No. R-12-17

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING
ON THE VACATION OF PORTIONS OF RIGHT OF WAY OF
EELLS STREET, KAMIKEN STREET, KAYLOR ROAD,
SPAULDING STREET, THE ALLEY WAY LOCATED IN BLOCK
40 OF THE ORIGINAL TOWN OF PULLMAN, TOGETHER WITH
ANY UNNAMED PUBLIC RIGHT OF WAY THAT MAY EXIST
WITHIN THE CITY PROPERTY LOCATED EAST OF THE
EXISTING RAILROAD CENTERLINE SITUATED EAST OF
GRAND AVENUE AND NORTH OF THE INTERSECTION WITH
WHITMAN STREET.

Resolution No. R-12-17 was adopted unanimously.

Resolution 10.
No. R-13-17 -
Amendment to
Pullman Transit
and WSDOT
Agreement GCB2130

Resolution No. R-13-17

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE FIRST
AMENDMENT TO AGREEMENT GCB2130 BETWEEN PULLMAN
TRANSIT AND WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION CREATING A NEW PROJECT B TO
PURCHASE ADDITIONAL PARATRANSIT SPECIAL NEEDS
EQUIPMENT.

Resolution No. R-13-17 was adopted unanimously.

Resolution 11.
No. R-14-17 - Bid
of Motley-Motley,
Inc.

Resolution No. R-14-17

A RESOLUTION ACCEPTING THE BID OF MOTLEY-MOTLEY,
INC FOR N. GRAND WATERLINE REPLACEMENT AND
AUTHORIZING EXECUTION AND DELIVERY OF THE
CONTRACT FOR SAID PROJECT.

Resolution No. R-14-17 was adopted unanimously.

REGULAR AGENDA

Public Hearing / **Public Meeting**

Resolution 12. Mayor Johnson announced a resolution has been

No. R-15-17 -
Modify Certain
Provisions in
Whispering Hills

prepared to modify certain provisions related to Whispering Hills. City Attorney McAloon reminded the City Council this is a quasi-judicial proceeding and explained the disclosure requirements. Mayor Johnson went through the "Appearance of Fairness" questions numbered one through seven. All the Councilmembers answered "no", except:

Councilmembers Sorensen and Parks answered "yes" to the question "Does any member of this Council have knowledge of having conducted business with either the proponents or the opponents in this proceeding?". They disclosed they have homeowner insurance policies with several homeowners in the subdivision. Councilmember Sorensen disclosed his business has the insurance policy for the homeowners association.

Councilmembers Sorensen and Macoll answered "yes" to the questions "Has any member of this Council communicated with any proponent or opponent regarding the proposal that is the subject of this proceeding?" and "Does any member of this Council have any special knowledge about the substance or the merits of this proceeding which would or could cause the Councilmember to prejudge the outcome of this proceeding?". Councilmember Sorensen disclosed he received a telephone message that he did not return, he did not respond to a citizen telling him the path would not need to be done, and he did not respond to an email telling him the path would not need to be done. Councilmember Macoll disclosed she did not respond to several citizens expressing their favorable opinions of the trail. She also attended a Pullman Civic Trust meeting where this was an agenda item so she requested skipping the agenda item.

Mayor Johnson announced question No. 8 if any member of the audience had any reason to want any of the Councilmembers excused. There was no reply.

Planning Director Dickinson reported the City received a request from Copper Basin Construction President Steve White regarding proposed amendments to certain Whispering Hills Subdivision and planned residential development (PRD) which are located east of the intersection of Golden Hills Drive and Old Wawawai Road. He requested the proposed use of mid-block easement

between Lost Trail Drive and Lehman Court for purposes of public pedestrian travel (pink trail on attachment "A") are eliminated and the revocation of a City Council condition regarding construction of a pedestrian path within a power line easement. Staff is in favor of granting the applicant's request due to the circumstances involved in this matter render it impractical and detrimental to the public interest to accomplish the pertinent requirements for the subject subdivisions and PRD plans. Two letters have been submitted in support of the request. Seven letters have been received in opposition of the request. Five letters were provided to City Council previously and two letters are provided to you tonight. Planning Director Dickinson received confirmation from all Councilmembers that they had received and read all of the letters. Planning Director Dickinson requested to open the public hearing, accept public comment on the proposed modifications, adopt Findings of Fact and Conclusions, move to approve or disapprove (by resolution) the proposed modifications to the subject subdivisions, and move to approve or disapprove (by ordinance) the proposed modifications to the subject PRD plans. Mayor Johnson announced that a map of all paths are included in the Council packet. Planning Director Dickinson described the existing paths. Councilmember Sorensen asked if the path plans were known at the beginning of the project. Planning Director Dickinson responded yes. The original plans were previously reviewed or approved by the planning department, planning commission, and City Council. Subsequently, arrangements were made to provide for another path that would extend from Lost Trail Drive to Lehman Court. Councilmember Sorensen asked if City Council accepted subdivision 3 as complete without the path being completed. Planning Director Dickinson responded yes. The City Council approved the plan for the pathway being constructed as complete. Councilmember Sorensen asked if there was opposition to the path when City Council accepted the plans. Planning Director Dickinson responded not to his recollection. Councilmember Sorensen asked if there was a timeline for path completion and why the paths are not complete. Public Works Director Gardes responded when the final plat is brought to City Council for acceptance, the developer can start selling lots and the City holds security to be

released after the developer completes all requirements. Councilmember Sorensen asked if this request was at the Planning Commission prior to City Council. Planning Director Dickinson stated no. The Planning Commission has not seen this request. By code, this request goes directly to City Council. Usually the public hearing is held at the Planning Commission. In thirty three years this has never been done. Councilmember Weller asked to clarify if the City Council has ever done a request deletion. Planning Director Dickinson stated that is correct. Councilmember Macoll commented on the steepness and topography of the proposed asphalt pedestrian path. She stated the City of Seattle uses unique paths as attractions, and is not concerned about the steepness, but is concerned about the path liability. City Attorney McAloon responded the paths have to be safe for use or they would not comply with the American Disability Act (ADA) standards. Councilmember Macoll stated she is sympathetic to the homeowners who have built a fence on the pink trail and wanted to know if they knew there was an intended easement or path. Planning Director Dickinson deferred to Steve White. Councilmember Weller asked if the switchback behind Cougar Country is compliant with ADA. City Attorney McAloon responded that switchbacks are used in order to comply with ADA to keep the grade levels acceptable. Her understanding of this proposal is there was not enough space to construct a switchback. Councilmember Parks asked if the construction would have to have stairs like power plant hill. Planning Director Dickinson responded yes. Public Works Director Gardes added he thinks this would be the only practical way to finish the connection. Councilmember Hawbaker asked about the change in grade possibility for runoff. Public Works Director Gardes stated the paths would follow the existing topography. Councilmember Sorensen asked if the utility line existed before the development. Public Works Director Gardes stated yes.

At 7:42 p.m. Mayor Johnson opened the public hearing.

Copper Basin Construction President Steve White reported he is not against trails. He has constructed many trails in the City of Pullman. He started this project was over twelve years ago.

His intentions when developing subdivisions 3 and 4 were not to build a midway path but a utility easement triggers public access. The path idea was created when planning subdivision 5. This idea was not intended with the preliminary plat and was added as a condition on the fifth phase. The easement for utilities pre-dates any Whispering Hills development so they never had intentions for pedestrian access. He described the percentage of slope of each area. He said stairs are not an option because there needs to be an alternative route. The proposed request is not because he does not want to build the trail. It is because the trail is in the wrong spot. Councilmember Weller asked if this issue could have been recognized before. White responded it was brought up with staff before but not City Council. It became more of an issue when attempting to comply with ADA slope requirements. Councilmember Macoll asked if anyone is monitoring those easements for property built on. White responded that is what happened. White met with Former Public Works Director and City Supervisor Workman on site after the third addition and agreed to relocate the path to the side due to the steep grade.

Amy Rosia stated she owns the house where the easement and public access is supposed to be constructed. She paid a \$5,000 premium to choose a lot in the subdivision and chose her lot with the intention for a trail beside her house. The replacement path is not flat and she would not allow her children to utilize the new path. The path ends at Lost Trail Drive and would not safely stop her children from going into the road. In her opinion, the replacement is not an acceptable alternative. She has never been told the path was not an option until she received a letter in the mail. She wrote opposition letters to the City and Homeowners Association. She purchased the land with the intention of a walkway and she is not supportive of giving the land to whoever happens to move in, especially after she has lived there for five years.

Jeff Bowman stated there is a ditch at the bottom of his property to protect from water erosion. The path would eliminate the ditch so he is in favor of removing the easement path. Mayor Johnson asked if this was a stormwater retention pond. Public Works Director Gardes responded yes.

Mike McCain stated he is opposed to the power line pedestrian easement. The land is very steep with big trees and bushes for the habitat of native birds which are a neighborhood feature. If the path stops short of the grade, then it would be a pointless path that does not lead anywhere and creates privacy issues. He is also concerned the homeowners did not know about this easement while purchasing their home.

Derek Holmes stated he shares some of the same concerns. He lives at the bottom of the slope. His property gets all of the drainage from the top of the hill. Building a path would create more water runoff. He also has safety concerns with ice on the path in the winter, if the path is not maintained. People could fall on his property.

Lucas Petersen stated he lives at the very end of Corral Court. He would prefer no jogging path. The path would cause less penetration for rain. He is personally concerned about trespassing issues. He enjoys other paths but they are in public spaces with public uses. The proposed path is a dead end and does not connect to other roads, so there is not ambulance access. He lives where there is an extremely steep hill, so he is concerned with any construction that may cause the hill to go into his house. He also owned a home on Lost Trail Drive and had to disclose the knowledge of a trail may exist. The current owners enjoy their big lawn for their children. He agrees with White that Copper Basin has built some great paths but the easement area is not a good place to build the path. There are much better places for the path to be built.

Marc Weller stated he does not want kids coming down hill and wrecking in his back yard. He does not think the path can be built safely. He knew nothing about an easement when he bought his house.

Don Rosio stated he built his house in 2010. He is a proponent for the path. Like his wife (Amy Rosia) stated earlier, they paid a premium for the lot knowing the proposed path was to be built. He believes the easement should be evenly divided between the four existing houses if the alternative path is built. He also commented that there seems to be a different path by Corral Court. He believes the alternative route is

substantially steeper than the path would be by his back yard.

John Anderson stated he is speaking specifically about the path between Lost Trail Drive and Lehman Court. He stated that he served on the Commission that produced the City Code (document) in 1996. He thought the Commission addressed this issue when they created the City Code. This path is required by code, as it is written in two sections of the City Code. The path is in the City Code and in the original plat plans. In his judgement the easement should remain where it is.

Nany Mack stated she is a trail proponent and agrees with John Anderson that if the path is in the laws, then the City needs to keep the path. She believes the developer should fulfill his obligation especially when the citizens are full heartedly communicating that trails are the most important thing about living in Pullman. She recognizes this may not be the best place to build a path and would recommend the developer to build a trail where the City identifies as a priority place for a new trail. The trail does not have to be in the same development but make the developer fulfill his obligation.

Dave Gibney stated he agrees the City has two or more issues. The path between Lehman Court and Lost Trail Drive is part of the City Code and the owners bought the property with the knowledge of a path. He stated other properties in the power line easement have portions that appear to be not suitable to build a path. He would suggest reviewing these properties separately and would encourage the City to not give up the easement and to look at them in portions.

Lisa Carloye stated she would like to agree with Nancy Mack and the developer. The Whispering Hills trails are a wonderful amenity and thanked the City for caring about trails. She wants City Council to consider turning the bicycle path into a stairway with the steep terrain. The stairs behind the old Rosauers is a wonderful trail to get up a steep hill and away from traffic. The proposed path is a nice way to walk and connect to the center of town in an esthetically pleasing way away from cars, roads, dust and noise.

Heather Bowman stated she is opposed to the

easement. There is no room for lighting which is dangerous and it would be icy in the winter. She would not allow her children on the path because of the danger. The water runoff into her yard is also a concern. The path is by the senior living center and is concerned for their safety as well.

At 8:16 p.m. Mayor Johnson closed the public hearing.

Mayor Johnson recapped there are more than one path and issues and asked about the maintenance of stairs.

Public Works Director Gardes replied the stairs would be constructed with the subdivision. Councilmember Macoll stated we are definitely discussing two different pieces of property so she is not comfortable making one decision.

Councilmember Sorensen asked if we have communication from all four property owners beside the pink trail. Planning Director Dickinson replied no.

Councilmember Weller stated he is concerned about the length of time the path has been an issue. He wants to separate the decisions and asked if it could go through the Planning Commission. Planning Director Dickinson replied there is no provision to take it to the Planning Commission. City Attorney McAloon stated if City Council wants staff to study different factors, then it is an option but it would come back to City Council. There is not a provision to go back to the Planning Commission.

Councilmember Weller asked if it can be separated. City Attorney McAloon answered yes. Mayor Johnson clarified City Council can direct staff to separate. Councilmember Weller recommends separating the paths. He does not want to delete it and set a bad precedent. Mayor Johnson stated staff could then consider the public comments.

Councilmember Sorensen stated he agrees with John Anderson and Dave Gibney that the pink path is part of the plan and part of City Code. He is in favor of separating the paths. Center Street to Crestview is highly challenging. He recommended separating into three separate resolutions for Center Street South, Center Street North, and

Lehman Court.

City Attorney McAloon stated the resolution and ordinance is together because the request was presented to the City together. She stated it can be separated if requested by City Council.

City Supervisor Lincoln commented instead of separating the proposed pedestrian path into two resolutions, we should have proposed alternatives. Councilmember Weller asked to rely on staff. City Supervisor Lincoln confirmed.

Councilmember Sorensen moved, Councilmember Macoll seconded to return the proposal back to staff for separate resolutions after staff reviews alternatives. The motion carried unanimously.

Councilmember Sorensen moved, Councilmember Weller seconded to set the date of the public hearing for March 28, 2017. The motion carried unanimously.

Mayor Johnson thanked the public for their comments and asked if there were any additional comments. There were no other comments.

Resolution No. R-15-17 by title only reads as follows:

A RESOLUTION MODIFYING CERTAIN PROVISIONS REGARDING PEDESTRIAN ACCESS WAYS IN WHISPERING HILLS SUBDIVISION NOS. 3, 4, 8, AND 9.

There was no the motion to adopt Resolution No. R-15-17.

Ordinance 13.
No. 17-1 -
Plans of
Whispering Hills

Ordinance No. 17-1 by title only reads as follows:

AN ORDINANCE CHANGING THE TERMS OF APPROVAL FOR THE FINAL PLANS OF WHISPERING HILLS PLANNED RESIDENTIAL DEVELOPMENT NOS. 3 AND 4 IN RELATION TO PEDESTRIAN ACCESS WAYS.

There was no the motion to pass Ordinance No. 17-1.

Resolution and Ordinance

Resolution 14.
No. R-16-17 -

Mayor Johnson went through the "Appearance of Fairness" questions numbered one through seven.

Amend
Comprehensive
Plan Map

Ordinance
No. 17-2 -
Amend Zoning
Classification

15.

All the Councilmembers answered "no", except Councilmember Parks and Mayor Johnson answered "yes" to the question "Does any member of this Council have knowledge of having conducted business with either the proponents or the opponents in this proceeding?". Councilmember Parks stated the McNelly's are her business customer. Mayor Johnson stated he is a member of the Pullman Presbyterian Church. Question No. 8 asked if any member of the audience had any reason to want any of the Councilmembers excused. There was no reply.

Planning Director Dickinson announced that a proposal has been received for a zone change application submitted by the Pullman Presbyterian Church. The request is to change the zoning from R1 to C1 and amend the Comprehensive Plan Land Use Plan Map from Low Density Residential to Commercial in order for the applicant to enable the church to develop a ministry services facility. The planning department is recommending approval of the applicant's request. The Planning Commission held its public hearing on January 25, 2017. It voted unanimously to approve the proposal. Councilmember Sorensen asked if there are apartments on the north side of Gaines Court. Planning Director Dickinson confirmed. Councilmember Sorensen asked if apartments have exemptions to R1. Planning Director Dickinson confirmed. Councilmember Sorensen asked if the two churches are in favor of R1. Planning Director Dickinson stated yes as a conditional use. Councilmember Sorensen asked if the zoning changed to C1, then can the owner use the property for retail, convenience store, or small service establishment. Planning Director Dickinson confirmed. Councilmember Sorensen asked if it was appropriate to have C1 in R1. Planning Director Dickinson said it was appropriate because they are meant to service the surrounding residents. Councilmember Weller asked if parking will remain. Planning Director Dickinson confirmed and stated parking could be provided. Councilmember Parks stated the proposal indicated they do not have a (parking) plan yet due funding and emphasized there will be foot traffic from campus.

Resolution No. R-16-17 by title only reads as follows:

A RESOLUTION AMENDING THE OFFICIAL COMPREHENSIVE PLAN MAP OF THE CITY OF PULLMAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 32,640 SQUARE FEET LOCATED AT 1530 NE STADIUM WAY.

Councilmember Sorensen moved, Councilmember Weller seconded to adopt Resolution No. 16-17. The motion carried unanimously.

Ordinance No. 17-2 by title only reads as follows:

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FROM R1 TO C1 FOR THE REAL ESTATE HEREIN DESCRIBED CONSISTING OF APPROXIMATELY 32,640 SQUARE FEET LOCATED AT 1530 NE STADIUM WAY.

Councilmember Sorensen moved, Councilmember Macoll seconded to pass Ordinance No. 17-2. The motion carried unanimously.

Resolutions

Resolution No. R-17-17 - LED Streetlight Conversion Grant	16.	Mayor Johnson announced a resolution has been prepared to authorize execution of a Washington State Transportation Improvement Board (TIB) grant agreement for LED streetlight conversion for Avista-owned streetlights. Public Works Director Gardes reported on the background and recommended adoption of the resolution. Councilmember Sorensen asked if the City is resolving resident's issues due to the project. Public Works Director Gardes replied the City forwards all issues to Avista and understands Avista is addressing all the issues.
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Resolution No. R-17-17 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE CITY OF PULLMAN AND THE WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD FOR LED STREETLIGHT CONVERSION FOR AVISTA-OWNED STREETLIGHTS.

Councilmember Sorensen moved, Councilmember Weller seconded to adopt Resolution No. 17-17.

The motion carried unanimously.

Resolution	17.	Mayor Johnson announced a resolution has been
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No. R-18-17 -
Avista Agreement
for LED
Streetlights

prepared to authorize execution of an agreement for LED conversion of Avista-owned streetlights. Public Works Director Gardes reported on the background and recommended adoption of the resolution.

Resolution No. R-18-17 by title only reads as follows:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF PULLMAN AND AVISTA CORPORATION FOR LED STREETLIGHTS.

Councilmember Sorensen moved, Councilmember Macoll seconded to adopt Resolution No. 18-17.

The motion carried unanimously.

Discussions

ATV Ordinance 17.
Discussion

Police Chief Jenkins presented a proposed City ordinance regulating ATVs on public streets in Pullman for review and discussion then requested staff direction on presenting for action at a future City Council meeting a City ordinance regulating ATVs on public streets. Councilmember Macoll thanked Chief Jenkins for clarifying it is unlawful to operate ATVs on sidewalks except for snow removal purposes and clarifying laws on helmets. Councilmember Weller asked how to monitor ATVs in parks. Chief Jenkins replied there is a specific provision for parks. Councilmember Wright asked if there is any consideration of a provision for slow moving vehicle indicators on ATVs. Chief Jenkins replied there are specific requirements for certain conditions. Councilmember Sorensen asked if 35 mph is the maximum and can the City set the maximum for streets. City Attorney McAloon replied the City can set limit lower than 35 mph but not higher. Councilmember Sorensen stated there are 45 mph streets within City limits that he has seen utility task vehicles (UTVs) traveling these streets going out of town. He asked if the proposed ordinance addresses UTVs and their exclusion of helmet requirements. City Attorney McAloon replied if the UTV has the equipment that provides for that exemption. Councilmember Sorensen asked if we could change the proposed ordinance stating the 20 psi tire pressure limit because some UTVs have tire pressure over 20 psi. City Attorney McAloon replied the language is

directly from the state statute that defines wheeled all-terrain vehicles so would not recommend changing the definition. She stated the state licenses vehicles so the City would rely on the State license for compliance. Councilmember Macoll stated a point of clarification the state not only licenses vehicles but retitled under State terms. City Attorney McAloon confirmed and recommended following the State's lead in order to enforce City code. Councilmember Sorensen asked if Section 4 Title 12.52.030 (1) is "must wear a securely fastened motorcycle helmet while the vehicle is in motion" is the change to the proposed ordinance. City Attorney McAloon confirmed when required by the motorcycle section of the RCW. Councilmember Sorensen asked if we have exempted City vehicles. City Attorney McAloon stated yes. Councilmember Sorensen asked for explanation of what PCC 11.42 (Pullman City Code) covers. City Attorney McAloon replied it is the snow removal section.

Unmanned Aerial 18.
System Discussion

Police Chief Jenkins reported on a proposed Police Department Unmanned Aerial System (UAS) program for discussion then requested staff direction on proceeding with the program including seeking public input on UAS policy. Councilmember Sorensen thinks we need to have at least one public information meeting. Councilmember Weller asked how the public is going to tell the difference between a UAS and a UAV (unmanned aerial vehicle). Chief Jenkins stated this still needs to be worked out. Councilmember Macoll asked if the State has established rules on collecting data subject to public records. City Attorney McAloon responded she is not aware so it would likely fall under surveillance video or some other standard. Councilmember Weller asked if there would be ability to help Whitman County. Chief Jenkins replied yes.

Taxi Ordinance 19.
Discussion

Police Chief Jenkins reported on possibly amending the Taxicab Licensing Ordinance and requested staff direction including asking staff to investigate differences between fingerprint and social security number based background; hold at least one public meeting seeking public input, and send meeting invitations to all currently licensed taxi operators and to Uber; and return to Council with a report and recommendations. Councilmember Sorensen stated he was involved in

the original taxicab Ordinance and it was a long process. He asked if changing the Ordinance to background checks based on social security numbers, then would local taxicabs change from fingerprint background checks. Chief Jenkins replied he envisioned the background checks would be conducted through a third party and the City would audit. Councilmember Sorensen asked how many Uber drivers have complied to the current City background checks. Chief Jenkins replied two or three. Councilmember Weller asked if the third party would use the same standards as the City. Chief Jenkins replied we would query others who have changed their Ordinance. Councilmember Weller asked how effective are the investigation to Uber. Chief Jenkins replied Uber has a national policy. Councilmember Sorensen asked if we really need to change since we already have two or three Uber drivers comply. Councilmember Weller asked if licensing of the cars are an issue. Councilmember Wright answered Uber has certain requirement on maintaining the cars, car size, and car age. Chief Jenkins stated Uber has more stringent vehicle requirements than the City. City Council agreed to proceed.

NEW BUSINESS

Mayor Johnson asked if there was any new business. There was no other new business.

ADJOURNMENT

Councilmember Sorensen moved, Councilmember Wright seconded to adjourn the regular meeting of the City Council.

Motion Carried.

Mayor Johnson adjourned the regular meeting of the City Council at 9:26 p.m.

Finance Director/City Clerk